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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,396	10/24/2003	Jeffrey P. Snover	MSI-1740US	2522
22801	7590	01/05/2007		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER PHAM, CHRYSTINE	
			ART UNIT	PAPER NUMBER
			2192	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/05/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/05/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/693,396	SNOVER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chrystine Pham	2192	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is responsive to application 10/693396 filed on October 24, 2003. Claims 1-24 are presented for examination.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-14 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

#### **Claim 1**

Merely recited as "a computer readable medium ...", the claim does not limit the medium to a statutory manufacture. The Specification further discloses the medium comprising "communication medium" (see page 7, lines 8-9). However, "transmission or communication media" are merely signal and/or energy. Furthermore, a claimed signal is clearly not a "process" under Sec. 101 because it is not a series of steps. The other three Sec. 101 classes of machine, compositions of matter and manufactures "relate to structural entities and can be grouped as 'product' claims in order to contrast them with process claims." 1 D. Chisum, Patents Sec. 1.02 (1994). The three product classes have traditionally required physical structure or material. See Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, Annex IV(c) <<http://www.uspto.gov/web/offices/com/sol/og/2005/week47/patgupa.htm>>

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Claims 2-14

They are also rejected for failing to remedy the deficiency of base claim 1.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 18-21 recite "the computer readable medium of claim 16" in line 1. There is insufficient antecedent basis for this limitation in the claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Polonovski (US 2004/0153995 A1).

#### Claim 1

Polonovski teaches a computer readable medium having computer-executable instructions, the instructions comprising:

- o receiving a string in an interactive environment (see at least 220, 205, 210 FIG.2 & associated text);
- o identifying an attribution within the string (see at least paragraphs [0021], [0044]);
- o identifying a construct associated with the attribution (see at least paragraph [0023], [0044]); and
- o saving information that correlates the attribution with the construct (see at least 220, 230 FIG.2 & associated text; paragraphs [0046]-[0055]; [0061]-[0063]).

#### Claim 2

Polonovski further teaches wherein the attribution specifies a constraint for the construct (see at least FIG.3a & associated text).

#### Claim 3

The rejection of base claim 1 is incorporated. Polonovski further teaches wherein the construct comprises a variable, a structure, a function, or a script (see at least paragraph 0072)).

Claim 4

The rejection of base claim 1 is incorporated. Polonovski further teaches wherein the information comprises metadata (see at least 220, 230, 225 FIG.2 & associated text).

Claim 5

The rejection of base claim 1 is incorporated. Polonovski further teaches applying the attribution to the construct when the construct is encountered interactively (see at least paragraphs [0080]-[0084]).

Claim 6

The rejection of base claim 1 is incorporated. Polonovski further teaches wherein the string comprises a command string entered in a command line environment (see at least FIGS.3a-c & associated text; paragraph [0038]).

Claim 7

The rejection of base claim 1 is incorporated. Polonovski further teaches wherein the string comprises a portion of a script (see at least paragraph [0003]).

Claim 8

The rejection of base claim 1 is incorporated. Polonovski further teaches wherein identifying the attribution comprises identifying a plurality of attributions associated with the construct (see at least paragraph [0061]).

#### Claim 9

The rejection of base claim 1 is incorporated. Polonovski further teaches wherein the attribution specifies a type for the construct (see at least paragraph [0058]).

#### Claim 10

The rejection of base claim 1 is incorporated. Polonovski further teaches wherein the attribution specifies applying intellisense to the construct to auto-complete the construct (see at least paragraph [0066]).

#### Claim 11

The rejection of base claim 1 is incorporated. Polonovski further teaches wherein the attribution specifies applying a predicate directive to the string that is operative to determine whether processing of the string continues (see at least paragraph [0058]).

#### Claim 12

The rejection of base claim 1 is incorporated. Polonovski further teaches wherein the attribution specifies applying a parsing directive that is operative to direct a

manner for obtaining the construct (see at least [0058]).

#### Claim 13

The rejection of base claim 1 is incorporated. Polonovski further teaches wherein the attribution specifies a data generation directive that is operative to generate a set of information that is stored in the construct (see at least paragraph [0063]).

#### Claim 14

Claim recites limitations which have been addressed in claim 2, therefore, is rejected for the same reasons cited in claim 2.

#### Claims 15-21

Claims recite limitations which have been addressed in claims 1-2, 5, and 10-14, therefore, are rejected for the same reasons cited in claims 1-2, 5, and 10-14.

#### Claim 22

The rejection of base claim 15 is incorporated. Polonovski further teaches wherein the begin symbol comprises a left bracket and the end symbol comprises a right bracket (see at least [0067]).

#### Claim 23



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Polonovski teaches a system that handles input parameters (see at least FIG.1 & associated text; ), the system comprising: a means for processing (see at least FIG.2 & associated text); and a memory means (see at least 22 FIG.1 & associated text; paragraph [0038]), the memory means being allocated for a plurality of computer-executable instructions which are loaded into the memory means for execution by the means for processing, the computer-executable instructions performing a method comprising: means for performing the instructions addressed in claim 1.

**Claim 24**

Claim recites limitations which have been addressed in claim 5, therefore, is rejected for the same reasons cited in claim 5.

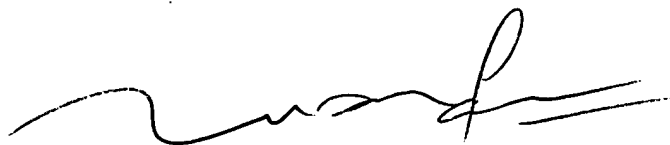
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chrystine Pham whose telephone number is 571-272-3702. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TUAN DAM  
SUPERVISORY PATENT EXAMINER